

COMMITTEE ON GOVERNMENT REFORM TESTIMONY

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TIME DOLLAR YOUTH COURT DIVERSION PROGRAM

Organizational Background

In the District of Columbia ("District" or "DC") the juvenile justice system has long functioned as a feeder to the adult penal and correctional systems. The Department of Human Services, Youth Rehabilitation Services Administration (formerly, Youth Service Administration) reported that 52% of African American males in the District between ages 18 and 35 were either in prison, on probation or parole, or have a warrant out for their arrest. With respect to disproportionate minority contact, the District displays an egregious racial disparity of contact with 100% of youth committed to the system being of either African American or Hispanic descent. An intergenerational cycle of involvement with the justice system is becoming increasingly self-perpetuating, as evidenced by the fact that 33% of youth at Oak Hill reported that they had at least one parent currently in prison and 57% said that they had at least one parent in prison during childhood.

The road to the adult justice system begins with the first offense as a juvenile. As a rule, the first three times that a youth comes in contact with the system, the prosecutor dismisses that offense, or in local parlance "No-Papered ". By the time juveniles appear in court as "first offenders," they are already seasoned members of a peer culture built around truancy, unauthorized use of a vehicle, simple assault, and possession or sale

of narcotics -- offenses that gradually build to a level of seriousness that often results in placement at Oak Hill or similar youth detention facilities.

In addition to being faced with a system seemingly designed to capture and retain youth within it, young people in DC face another challenge. There exists a pro-substance abuse culture among youth, and that culture is especially prevalent among delinquent youth. The figures speak for themselves. In 1999, a total of 2,748 new juvenile cases were referred to the District of Columbia Superior Court, and approximately 61% of these youth tested positive for one or more illicit substances.¹ At any given time, there are approximately 2,400 youth in the District's juvenile justice system, and approximately 30% are involved with the juvenile justice system for drug-related offenses.² It is apparent that those youth that engage in delinquent behavior are particularly at risk for abusing drugs.

Time Dollar Youth Court Diversion Program

A historic first step in preventing youth from ever taking the first step down the road to the adult justice system and a future of substance abuse began in 1996 with the creation and launch of the Time Dollar Youth Court. The Youth Court is designed to divert youth from the formal juvenile justice system at the point of first contact and to help youth develop the skills they need to choose a different path in life and to fulfill their goals and dreams.

In 1996, a formal "Agreement between the Superior Court of the District of Columbia and the Time Dollar Institute for the Establishment of a Youth Court Diversion Program" created a "partnership for the purpose of jointly developing a diversion program which

¹ District of Columbia Superior Court administrative data.

² Administrative data from Youth Services Administration and D.C. Superior Court.

provides a meaningful alternative to the traditional adjudicator format in juvenile cases.”

That Agreement provided that the Youth Court...

“...shall serve as a unique pre-petition diversion program for nonviolent first-time offenders. The Program will foster accountability, mobilize peer pressure to reduce delinquency and recidivism, promote responsibility to the community and victims of delinquent acts, and assist in the development of self-esteem and respect for the rule of law in the District of Columbia.”

On June 25, 2001, Chief Judge Hamilton wrote, “In 1996, as Chief Judge of the DC Superior Court, I authorized the creation of the Youth Court as a Diversion Program to insure that we took a youth’s first brush with the law seriously...The Youth Court has established itself as an important cornerstone in a system of juvenile justice that really provides justice for juveniles.”³

Since 1996, the Youth Court has functioned as a Diversion Program that utilizes peer juries of 12- to 18-year-old teens who encourage offenders to take control of their own futures by putting a stop to problem behavior before it spirals into the revolving doors of prison and ultimate hopelessness. The Youth Court seeks to provide meaningful alternatives to the juvenile justice system for non-violent juvenile offenders and was designed to address the most urgent issues facing DC youth:

As its foundation and approach, the Time Dollar Youth Court stresses the four core values of Co-Production:

- **Assets/Equity:** We are all assets. Every human being has the capacity to be a builder and a contributor.
- **Redefining Work:** Work must be redefined to include whatever it takes to raise healthy children, preserve families, make neighborhoods safe and vibrant, care for the frail and elders, redress injustice, and make democracy work

³ A 1999 evaluation by the UDC Institute for Public Safety and Justice noted the following: “The Time Dollar Youth Court caseload makes it one of the larger youth courts in the country...populated with older juveniles engaged in more serious offenses than is the norm nationwide...During the grant period, the Youth Court reduced recidivism from 27% to 17% for those who successfully completed the program as compared to those who did not, and created a sense of civic awareness which jurors attributed to their Youth Court experiences.”

- **Reciprocity:** Giving is more powerful as a two way street. To avoid creating dependency acts of helping must trigger reciprocity – giving back by helping others. “You need me” becomes “We need each other.”
- **Social Capital:** “No man is an island.” Informal support systems, extended families, and social networks are held together by trust, reciprocity and civic engagement.

The Youth Court seeks to provide meaningful alternatives to the juvenile justice system for first-time non-violent offenders. It is designed to demonstrate that it is both possible and imperative to enlist youth in the co-production of a new kind of juvenile justice by reaching out to their peers in a partnership between the courts and the community to reclaim young people and to prevent them from sliding deeper into the justice system⁴.

All activities of the Time Dollar Youth Court originate in the Intake Unit that forms the entry point and administrative hub of our operations. Youth appear for scheduled intake interviews three times a week accompanied by their parent or guardian. The Youth Court operates respondent and community/school based volunteer juries, whose participants undergo intense juror training. Presently hearings are held on Saturday mornings at the main courthouse at 500 Indiana Avenue. During each hearing, the jury hears the facts of the case, the charge, the police version of events, and the testimony of the respondent and his/her parent or guardian. After a dialogue and questioning period, jurors deliberate and decide on a sanction. Every offender who comes before the Youth Court is required to serve as a Youth Court juror for ten weeks. In doing so, every offender becomes part of the justice system, authorized to co-produce and co-

⁴ In May 2002, the American Bar Association and Office for Juvenile Justice and Delinquency Prevention released one in a series of "Roadmap" publications designed to help the community, the bench and the bar implement change in the justice system. The publication, entitled "Youth Courts, Young People Delivering Justice," singles out the Time Dollar Youth Court as a "particularly noteworthy" innovation with this description: "The Time Dollar Youth Court in Washington, D.C. was established in an inner city context. To create a subculture in which youth would feel safe to tell peers that their behavior was wrong, the program offers rewards in the form of a local currency that can be used to purchase a computer...The Time Dollar program is the only one to move beyond service delivery to system reform."

create justice for other DC youth. This strength-based approach sends a new message of hope and opportunity to youth. It says:

“We need you because you can powerfully send the message to other youth not to do something stupid. That is something that no other part of the system has been able to do – not judges, nor court social services, nor probation officers, nor police, nor family, nor school.”

TDYC uses the time during a respondent’s sentence as an opportunity to stress accountability and empower youth to take control of their futures by: (1) acknowledging the crime that they have committed, (2) accepting the consequences of their actions through service as a juror and/or community service, and (3) involving themselves in positive activities that focus on their assets and talents, thereby reducing involvement in the types of activities that will ultimately lead to interaction with the law and possibly prison. During this period youth are offered and receive the following:

- ♦ **Jury Training** – Jury training allows youth the opportunity to learn about DC laws and law enforcement, the consequences of breaking the law, how to be an effective listener, and how to understand and analyze the elements of a case.
- ♦ **Jury Duty** – Once youth have completed jury training, they are assigned to participate in jury duty, hearing cases for the next eight weeks. Youth experience the challenge of applying the law to specific circumstances, asking probing and insightful questions of respondents and families, analyzing a case and determining an appropriate sanction. Analytical and decision-making skills are acquired and honed during this process.
- ♦ **Community Service** – Youth can be assigned 10 to 90 hours of community service. This element of a Youth Court sentence addresses restorative justice and allows the respondent to make restitution by giving back to the community. Sites are chosen for their ability to provide youth with learning experiences, personal growth and skill development. An additional goal of the community service assignment is to engage the respondents in meaningful work that builds self-confidence and

increases practical and job training skills. Projects have included helping to plan a community garden, reading to elders in a nursing home, assisting in the implementation of a neighborhood “Community Day,” participating in health fairs, and attending a leadership retreat sponsored by the Mayor’s office.

- ♦ **Life Skills Training** – The Life Skills Training Program is a peer-reviewed, science-based model that involves the implementation of curricula designed for school- or community-based preventive interventions. Life Skills training modules include sessions on anger management, self-awareness, building self-esteem, increasing communication and decision-making skills, assertiveness, and the hazards of tobacco, drug and alcohol use. Research has shown that Life Skills can produce 59% to 75% lower levels of tobacco, alcohol, and marijuana use.
- ♦ **Cross Age Peer Tutoring (CAPT)** – Youth receiving this sanction experience the joy helping someone younger by tutoring an elementary school student. Self-esteem building and academic improvement are the goals of this experience. The CAPT program works with respondents who are deemed “truant” by DC Public Schools (DCPS) and involves tutoring children in the 1st – 5th grade in various subjects, including reading and math. Youth Court sees the CAPT program as an opportunity to improve the academic performance, self-esteem, attitudes toward learning and perception of the importance of education for our truant population (which encompasses approximately 30% of Youth Court referrals).
- ♦ **College Preparatory** – Youth who enroll in Youth Court’s College Preparatory classes participate twice a week in an experience that helps them explore college as a potential opportunity. Computer and writing skills are stressed, and basic research skills are honed.

After completing their sanctions, youth are encouraged to continue to volunteer for jury duty. For every hour that a youth serve as a volunteer juror, they earn one Time Dollar that can be redeemed for a recycled computer or a savings bond toward college enrollment and tuition once they reach 50 hours.

Our Statistics

The Time Dollar Youth Court primarily serves the District of Columbia, with the majority of respondents hailing from Wards 4, 5, 7, and 8. Youth Court serves 44% females and 56% females with the majority of respondents being of African American descent. Recently, there has been an increase of Latino youth and white females. Presently, the Youth Court engages approximately 500 youth, along with their families and communities, each year. Of those participants, approximately 400 enter the Youth Court as respondents, and roughly 100 participate as volunteer jurors. Respondents are referred from five sources: consent decrees from the DC Courts, diversion by the Corporation Counsel and Court Social Services, Metropolitan Police Department diversions, truancy cases from the public school system, and special cases of parental diversions. The top four offenses for 2004 were: Simple Assault, Disorderly Conduct, Possession of Drugs and Truancy. There were 400 referrals coming from the Metropolitan Police Department.

Our Partners

The Time Dollar Youth Court consistently works to engage partners to ensure the success of our operations that is aimed at keeping youth out of the juvenile justice system. Our major partners consist of the DC Superior Court, the Metropolitan Police Department, the District of Columbia Public Schools (DCPS), the Department of Mental Health and soon to be the Metropolitan Boys and Girls Club.

Partnering with DCPS/Truancy

Historically, the Time Dollar Youth Court has always received referrals from DCPS for youth that skip school and are deemed truant. Those referrals would be received

throughout the year, with the majority received towards the end of the school year. Youth Court would experience frustration at trying to schedule intakes in late June for truancy offenses that had occurred in Jan or Feb. Contacting parents in late June resulted in little commitment to beginning or completing our program. Thus our success rate with truancy was very low. In Sept 04, a decision was made to “tighten up” the process by working closer with Dr. Powell and the Truancy Attendance Centers. In speaking with Dr. Powell’s staff I was informed that the problem with Youth Court Intake office receiving referrals so late was the lack of a staff person that could send or fax the referrals to Youth Court. At this point, Youth Court made the decision that we would take responsibility for physically picking up the referrals every Monday from the two Attendance Centers. In speaking with Dr. Powell, another decision was made to formalize the process by entering into a Memorandum of Agreement outlining the duties and responsibilities of each party (see attached MOU). In November 04, the formal agreement was signed between the School Dept and the Time Dollar Youth Court. Referrals are picked up on Monday from both centers by a Youth Court staff person and intakes are scheduled for the following Thursday. Since the process began in October, our statistics are as follows:

Pre-referrals	231
Citations issued	85
Contacts pending	81
YC referrals	66
YC Respondents	42

Recently, DCPS was able to hire a social worker to help with the truancy issue. A meeting was held with the social worker and all parties involved in our project and the names of the 81 contacts pending were handed over for follow up. Meanwhile, there are 42 truant youth involved in the program that we are working with.

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Peer Tutoring

The second initiative that Youth Couth has with DCPS is our Peer Tutoring Program. Youth Court respondents and volunteers tutor elementary school children at the Fletcher Johnson School twice a week on Tuesday and Thursdays. We work with children signed up for the After Care Program and have been doing so since Jan 04. This has been a very successful initiative for our youth the tutors, as well as the tutees. Children in the After Care Program receive homework assistance, a focused remedial activity, a character building activity and a snack during the 2-hour period. Teachers report that overall school attendance has improved and behavior has improved because the children enjoy participating in the program. Children enjoy the extra attention that they may not receive during the day, or just extra attention that they may need in general. Our youth that tutor are also being mentors and learning how to coach small children which has had a very positive effect on the children and a positive effect on the tutors in that someone value their talents and abilities. This has been very valuable in building the self esteem of youth that come before Youth Court. Increased self-esteem enables youth to perform and function better in school.

College Prep

Another component of the Peer Tutoring Program is College Prep. Respondents gather on Monday and Wednesday at the MLK Library to research and explore the possibility

of attending college. The program begins with the youth exploring and identifying their interest and activities that they excel at. Next, they are trained on the ECO system at the library that registers them to receive information on financial aid and colleges of their choice. The staff also helps the youth write a personal statement for their application. Information on SAT and ACT testing taking is discussed as well as some remedial work. Youth walk away with a sense of what colleges exist for their interest, understand the environment of a particular college, and a sense of hope that they can attend college. When questioned about their academic advisors at DCPS many reply that they don't know who their advisors are, and they are not involved in any type of college prep work with anyone.

Working with DCPS: The Challenge

According to research data, truancy is the first indicator that there is a problem with school and one of the more prevalent indicators of a youth headed towards the juvenile justice system. With truancy being the 4th highest offense of Youth Court, this indicates that there is a problem and Youth Court is working to address that problem with the District of Columbia Public School system.

Creating a Safe Environment - DCPS needs to assure all children in the District that schools are safe havens. Many children appearing before Youth Court speak candidly amongst themselves about their fears and not feeling safe at school or while traveling to school. Conversations are also overheard regarding the need to travel in a group to school in order to feel safe. If members of your particular group are not attending school that day (to walk with you) youth will often not attend. Two weeks ago, there was a case at Youth Court dealing with this particular issue, the mother forced her son

to attend school, the son was jumped by another youth from a neighboring community and her son was arrested. Schools and the surrounding environment need to be declared "violent free zones" and youth need to buy into this concept.

Involving Youth In Solutions- "Buying into" violent free zones should involve all members of the school community including youth. Along with violent free zones, schools need to create environments where children will want to be. Alternatives to violence need to be discussed, created, and implemented such as mediation teams, and conflict resolution groups that help youth learn how to deal with conflicts before they escalate into fights and suspensions.

Advocating for Truant Youth - In our partnership role with DCPS, it would be helpful to establish a relationship where a Youth Court Staff person could advocate for truant youth especially in cases where youth are having conflicts with teachers, or parents are feelings helpless and unable to communicate with teachers. Many times youth appear before Youth Court suspended for numerous days with little knowledge of how they will make up the work. This creates an environment of failure for the youth. Youth Court advocates could help with many of these issues.

Thinking Outside the Box- the issues and challenges facing our youth today are numerous, with the media, and drugs having a great influence. Schools need to be aware of these challenges and work to create and implement programs that can help youth be successful in school. Suspensions and expulsions should be the last resort with more in service programs and services for youth that are troubled.

The creation of the Time Dollar Youth Court Diversion Program provides an opportunity for DCPS youth to turn a negative event into a positive meaningful experience and to

experience success in ways that may not happen at school. Working together, DCPS and the Time Dollar Youth Court can provide a supportive environment that can enable truants to succeed.

Thank you.